

**REMARKS****Claim Rejections - 35 U.S.C. §112**

Claims 1-20 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner interpreted the language at issue, "axle housing," as a "differential housing surface." By amendment Applicant has adopted this language and believes the indefiniteness objection has been overcome.

**Claim Rejections - 35 U.S.C. §103**

Examiner rejected claims 1-20 as unpatentable under 35 U.S.C. §103(a). Claims 1-3 and 9-20 are rejected as unpatentable over *Glaze, et al.* (U.S.P. 4,754,847) in view of *Gale* (U.S.P. 1,323,178). Claims 4 and 5 are rejected over *Glaze, et al.* in view of *Gale* and further in view of *Cox* (U.S.P. 2,911,516). Claims 1, 6 and 8-20 stand rejected also over *Glaze, et al.* in view of *Gale*. Finally, claims 1, 6, 7 and 9-20 were rejected over *Glaze, et al.* in view of *Brownell, et al.* (U.S.P. 6,095,402), *Walker, et al.* (U.S.P. 6,106,233), or *Mahoney, et al.* (U.S.P. 6,237,834). Applicant has reviewed these references and disagrees with their combination with the base reference, *Glaze, et al.*

Specifically, *Glaze* fails to offer any suggestion or motivation to combine its teachings with the teachings of the other references. Indeed, *Gale* makes no mention or otherwise promotes any particular technique for attaching the snorkel to the housing. It does not mention whether the two bodies should be welded or otherwise attached to each other. The Examiner expressly recognized this point by stating the following:

Glaze does not teach how the differential housing surface and snorkel are fastened together. [Office Action (7/02/02) p.3,6]

Because of the absence of a motivation or suggestion for any particular fixing method, *Glaze* cannot be combined with any particular fixing technique taught by the cited references.

Moreover, the references proposed to be combined with *Glaze* are non-analogous with the field of assembling differential housings. There is no reason that the proposed combination of references with *Glaze* would have commended themselves to an inventor's attention. Accordingly, it is improper to combine *Glaze* with the cited references. Claims 1-20 are therefore allowable.

With respect to claims 4 and 5, the Examiner rejected these claims as unpatentable over *Glaze, et al.* in view of *Gale* and further in view of *Cox*. Again, Applicant submits the absence of any motivation or suggestion to combine *Glaze* with the foregoing references. Particularly with respect to *Cox*, it should be noted that *Cox* teaches "applying an initial current flow to heat the abutting rail ends to welding temperature." [*Cox*, column 1, ll 30-32, emphasis added]. In contrast, claim 4, which is dependent on claim 3, requires "the electrical discharge result from creating an electric potential between the surfaces and moving the surfaces in proximity to each other to effect the electric discharge" and "moving the surfaces apart, creating another electric potential between the surfaces, moving the surfaces in proximity to each other to effect the electric discharge between the surfaces, and applying the surfaces together." Thus, while *Cox* teaches to "abut" the rails when current is applied, the present invention teaches the maintenance of an electric potential and the transfer of that electric potential by repeatedly creating a spark between the two surfaces. Accordingly, *Cox* fails to

supply the limitation of claim 4. Accordingly, claim 4, and its dependent, claim 5, are allowable. Related claims 14 and 15 are also allowable for the same reasons.

For the foregoing reasons, Applicant requests claims 1-20 be allowed.

Respectfully submitted,

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Dated: August 5, 2002

**CERTIFICATE OF MAILING**

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Assistant Commissioner of Patents, Washington D.C. 20231 on August 5, 2002.

  
Theresa M. Palmateer

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**APPENDIX 1**

**“VERSION WITH MARKINGS TO SHOW CHANGES MADE”  
IN THE CLAIMS**

1. (Amended) A method of welding comprising the steps of:  
providing [an axle] a differential housing surface;  
providing a blank surface;  
generating heat from at least one of these surfaces at their interface sufficient to  
weld the surfaces together; and  
applying the surfaces together.
9. (Amended) The method of claim 1 wherein the [axle] differential housing surface  
is curved.
11. (Amended) A product made by a process comprising the steps:  
providing [an axle] a differential housing surface;  
providing a blank surface;  
generating heat from at least one of these surfaces at their interface sufficient to  
weld the surfaces together; and  
applying both surfaces together.
19. (Amended) The product of claim 16 wherein the [axle] differential housing  
surface is curved.